

Patent Application  
Attorney Docket No. PC10910ARTB

REMARKS

As a preliminary note Applicants request acknowledgment of the claim of priority made in the Declaration and the Preliminary Amendment.

Applicants respectfully request entry of the amendments hereinabove, reconsideration of the Office Action mailed on May 16, 2002 and allowance of the claims.

Applicants wish to thank Examiner San-ming Hui for acknowledging the receipt of the Information Disclosure Statement submitted October 10, 2001.

Applicants note that the Information Disclosure Statement filed on April 9, 2003 that accompanied Applicants' previous response was not acknowledged. Applicants request acknowledgment thereof. It is requested that the references listed on that previously submitted form PTO-FB-A820 be included in the "References Cited" portion of any patent issuing on this application (M.P.E.P. 1302.12).

On review of the instant application as filed Applicants Attorney noted that the Drawing was included as a numbered page (page 167) of the specification instead of as a separate Drawing Sheet. Applicants' attorney apologizes for this error.

Applicants have herein deleted Figures 1 and 2 (page 167) from the specification. In addition, Applicants have submitted Figures 1 and 2 as a formal drawing (herewith) and amended the specification to include a Brief Description of the Drawings.

The Office Action states that claims 7-13 and 21-23 are withdrawn from further consideration as being drawn to nonelected inventions. The Office Action states that the claims are examined to the extent they read on the elected Y is a HET ring. The Office Action states that Applicants should submit claims limited to the elected invention.

Applicants initially note that claim 21 is directed to a pyridone ring and as such should be included in the elected group. Applicants have herein retained claim 21.

Applicants have noted that claims 7-13 and 22-23 are withdrawn. Claims 32 and 35 were previously cancelled.

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Claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter and have not been described in the specification. The rejection states that the claim is addressed to the inhibition of NEP and the treatment of FSD and FSAD. The rejection states that the scope of beneficial in such diverse and subjective areas has not been described. The rejection notes that the term appears to imply the possibility of non-beneficial therapeutic responses.

Applicants traverse the rejection of claims 31 under 35 U.S.C. 112, second paragraph in part based upon their previous response, however, in the interests of expediting prosecution Applicants have herein amended claim 31 by deleting the term "beneficial".

Applicants submit that the amended phrase is fully supported. Applicant further submits that the literal basis for such amendment is not required to be found in the specification (the claim phrase need not be "*in haec verba*" in the specification *In Re Wright* 9 U.S.P.Q.2d 1649, 1651 (Fed. Cir. 1989); *Crowne Operations, Int'l, Inc. v. Solutia, Inc.* 289 F.3d 1367, 1376 (Fed. Cir. 2002)).

Please charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 16-1445. Two copies of this sheet are enclosed.

Respectfully submitted,

Date:

7/15/2003

  
A. Dean Olson  
Attorney for Applicant(s)  
Reg. No. 31,185

Pfizer Inc.  
Patent Department, MS8260-1611  
Eastern Point Road  
Groton, CT 06340  
(860) 441-4904